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FISCAL IMPACT REPORT

ORIGINAL DATE 2/21/07

SPONSOR Maestas LAST UPDATED _____ HB 1294

SHORT TITLE Bribery of Public Officer Penalties SB _____

ANALYST C. Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Department of Corrections (DOC)
 Bernalillo County Metropolitan Court (BCMC)

SUMMARY

Synopsis of Bill

House Bill 1294 amends NMSA 30-24-1 to increase the penalty for bribery of a public officer or employee from a third to second degree felony if the value of the bribe is greater than \$20,000. HB 1294 likewise amends NMSA 30-24-2 and 30-40-1 to increase the penalty for public officers and employees who demand/receive or solicit a bribe, respectively; when the value of the bribe exceeds \$20,000.

Bribery of a public officer or employee is currently a third degree felony, as is demanding or receiving a bribe by a public officer or public employee. Soliciting or receiving an illegal kickback is currently a fourth degree felony, as is offering or paying an illegal kickback.

FISCAL IMPLICATIONS

According to the Correction Department, since second and third degree felonies carry longer prison sentences than fourth degree felonies, the bill is likely to increase the prison population by

a minimal to moderate amount. Further, fourth degree felonies only carry a one year parole term, while higher degree felonies carry a two year parole term. Thus, the Correction Department's parole caseloads are likely to increase by a minimal to moderate amount. There is no appropriation in the bill to cover these increased costs to the Department.

The contract/private prison annual cost of incarcerating an inmate is \$23,867 per year for males. The cost per client to house a female inmate at a privately operated facility is \$21,651 per year. Because state owned prisons are essentially at capacity, any net increase in inmate population will be housed at a contract/private facility.

The cost per client in Probation and Parole for a standard supervision program is \$1,467 per year. The cost per client in Intensive Supervision programs is \$3,383 per year. The cost per client in department-operated Community Corrections programs is \$3,503 per year. The cost per client in privately-operated Community Corrections programs is \$7,917 per year. The cost per client per year for male and female residential Community Corrections programs is \$39,401.

PERFORMANCE IMPLICATIONS

The Courts and Corrections Department will probably be able to absorb any increased workloads caused by the bill without increasing its FTEs and without any negative effect on the Correction Department's provision of services to prisoners and parolees.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

CS/mt